

09/880,576

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ALFERNESS ET AL. Examiner: B. SZMAL

Serial No.: 09/880,576 Group Art Unit: 3736

Filed: JUNE 13, 2001 Docket No.: 11998.5USC2

Title: CARDIAC DISEASE TREATMENT AND DEVICE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on 3/11/03.

By: Victor Anderson
Name:

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

Commissioner for Patents
Washington, D.C. 20231



34379

PATENT TRADEMARK OFFICE

Dear Sir:

Petitioner, Acorn Cardiovascular, Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 601 Campus Drive, St. Paul, Minnesota 55112, in the county of Ramsey, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/880,576, filed on June 13, 2001 and entitled CARDIAC DISEASE TREATMENT AND DEVICE, by virtue of the following:

1. U.S. Patent Application Serial No. 09/114,510, filed on July 13, 1998, now U.S. Patent No. 6,123,662, by virtue of our assignment recorded at Reel 9622, Frame 0650 on December 4, 1998.
2. Co-pending application Serial No. 09/565,621, filed on May 4, 2000, by virtue of our assignment in parent application Serial No. 09/114,510 at Reel 9622, Frame 0650 on December 4, 1998.

3. Related subject matter application Serial No. 09/195,770, filed November 18, 1998, now U.S. Patent No. 6,169,922 B1, by virtue of an assignment recorded at Reel 9755, Frame 0275 on February 8, 1999.

4. Related subject matter co-pending application Serial No. 09/628,706, filed July 31, 2000, now U.S. Patent No. 6,370,429 B1, by virtue of our assignment in parent application Serial No. 09/114,510 at Reel 9755, Frame 0275 on February 8, 1999.

Attached herewith are two Certificates under 37 C.F.R. § 3.73(b) and recorded assignments establishing Acorn Cardiovascular, Inc.'s right as assignee to take action. One Certificate establishes chain of title for the above-referenced pending application. The second Certificate establishes chain of title for the related subject matter applications.

Petitioner, Acorn Cardiovascular, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,169,922 B1 and 6,370,429 B1 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,169,922 B1 and 6,370,429 B1, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

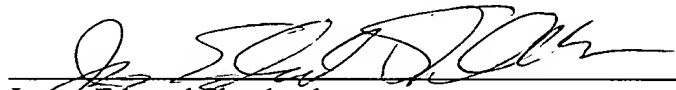
In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent Nos. 6,169,922 B1 and 6,370,429 B1, in the event that United States Patent Nos. 6,169,922 B1 and 6,370,429 B1 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full

statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11 Oct 2002


James Edward Shapland
Title: Senior Vice President



THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, _____,
this terminal disclaimer is accepted. The period of patent lapse specified above has been
accepted as equivalent to _____ months.

Petitions Examiner

S/N 09/880,576

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ALFERNESS ET AL.	Examiner:	B. SZMAL
Serial No.:	09/880,576	Group Art Unit:	3736
Filed:	JUNE 13, 2001	Docket No.:	11998.5USC2
Title:	CARDIAC DISEASE TREATMENT AND DEVICE		

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)



34379

PATENT TRADEMARK OFFICE

Acorn Cardiovascular, Inc., a corporation organized and existing under the laws of the State of Minnesota, having a place of business at 601 Campus Drive, St. Paul, Minnesota 55112, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

An assignment from the inventor(s), of the patent application identified above. The assignment was recorded in the Patent and Trademark Office on December 4, 1998, at Reel 9622, Frame(s) 0650, or for which a copy is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11 Oct 2002

By: 

Name: James Edward Shapland

Title: Senior Vice President



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MARCH 22, 1999

PTAS

MERCHANT, GOULD, SMITH, EDELL ET AL
JAMES R. CHIAPETTA
3100 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-4131



100916479A

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/04/1998

REEL/FRAME: 9622/0650
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ALFERNESS, CLIFTON A.

DOC DATE: 09/28/1998

ASSIGNOR:
RAMAN, JAI SHANKAR

DOC DATE: 10/28/1998

ASSIGNOR:
POWER, JOHN MELMOUTH

DOC DATE: 10/26/1998

ASSIGNEE:
ACORN CARDIOVASCULAR, INC.
601 CAMPUS DRIVE
ST. PAUL, MINNESOTA 55112

SERIAL NUMBER: 09114510
PATENT NUMBER:

FILING DATE: 07/13/1998
ISSUE DATE:

RECEIVED

APR 01 1999

MERCHANT & GOULD
MINNEAPOLIS, MN 55402

9622/0650 PAGE 2

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECORD 1
P

12-10-1998



100916479

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Clifton A. Alferness
Jai Shankar Raman
John Melmouth Power

2. Name and address of receiving party(ies):

Acorn Cardiovascular, Inc.
601 Campus Drive
St. Paul, MN 55112

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ NoAdditional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: September 28, 1998; October 26, 1998; and
October 28, 1998

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/114,510

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James R. Chiapetta
Address: Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James R. Chiapetta

Name of Person Signing

Signature

December 1, 1998

Date

Total number of pages including cover sheet, attachments, and document: 4

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

12/09/1998 SBURNS 00000152 05114510

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40.00 00

ASSIGNMENT

WHEREAS, we, Clifton A. Alferness, residing at 9010 258th Avenue NE, Redmond, Washington 98053, Jai Shankar Raman, residing at 30 The Boulevard, North Baldwyn, Victoria 3104, Australia and John Melmouth Power, residing at 65 Hannan Street, Williamstown, Victoria 3016, Australia, made certain new and useful inventions and improvements for which we filed an application for Letters Patent of the United States on July 13, 1998, application Serial No. 09/114,510 which is entitled CARDIAC DISEASE TREATMENT AND DEVICE.

AND WHEREAS, Acorn Cardiovascular, Inc., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 651 Campus Drive, St. Paul, Minnesota 55112 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

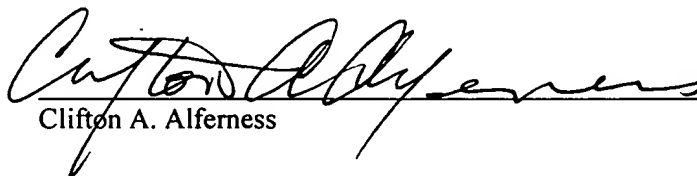
NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and

the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

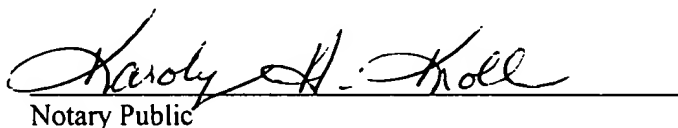
IN TESTIMONY WHEREOF, I have hereunto set my hand this 28 day of Sept, 1998.

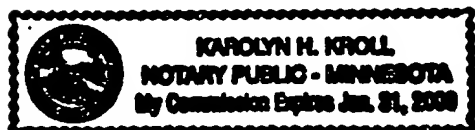

Clifton A. Alferness

STATE OF Minnesota)
COUNTY OF Wanli) ss.

On this 28 day of Sept, 1998, before me personally appeared Clifton A. Alferness to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]


Notary Public



IN TESTIMONY WHEREOF, I have hereunto set my hand this 28th day of
OCTOBER, 1998.

Jai Shankar Raman
Jai Shankar Raman

STATE OF VICTORIA)
COUNTY OF AUSTRALIA) ss.

On this 28th day of October, 1998, before me personally appeared Jai Shankar Raman to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL] VANDANA HERUR
BARRISTER AND SOLICITOR Notary Public
OF THE SUPREME COURT
OF VICTORIA

IN TESTIMONY WHEREOF, I have hereunto set my hand this 26 day of
October, 1998.

John Melmuth Power
John Melmuth Power

STATE OF VICTORIA)
COUNTY OF AUSTRALIA) ss.

On this 26th day of October, 1998, before me personally appeared John Melmuth Power to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL] JACINTA DUYER
BARRISTER AND SOLICITOR Notary Public
OF THE SUPREME COURT
OF VICTORIA

S/N 09/880,576

MAR 17 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ALFERNES ET AL.	Examiner:	B. SZMAL
Serial No.:	09/880,576	Group Art Unit:	3736
Filed:	JUNE 13, 2001	Docket No.:	11998.5USC2
Title:	CARDIAC DISEASE TREATMENT AND DEVICE		

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Acorn Cardiovascular, Inc., a corporation organized and existing under the laws of the State of Minnesota, having a place of business at 601 Campus Drive, St. Paul, Minnesota 55112, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

An assignment from the inventor(s), of the patent application identified above. The assignment was recorded in the Patent and Trademark Office on February 8, 1999, at Reel 9755, Frame(s) 0275, or for which a copy is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

JS
Nov 7, 2002

By:

[Signature]
Name: James Edward Shapland
Title: Senior Vice President



34379

PATENT TRADEMARK OFFICE

MAR 17 2003

MAY 10, 1999



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

PTAS
MERCHANT, GOULD, SMITH, EDELL ET AL.
JAMES R. CHIAPETTA
3100 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-4131



100966358A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/08/1999

REEL/FRAME: 9755/0275
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ALFERNES, CLIFTON A.

DOC DATE: 01/21/1999

ASSIGNOR:

SHAPLAND, JAMES EDWARD

DOC DATE: 01/22/1999

ASSIGNEE:

ACORN CARDIOVASCULAR, INC.
601 CAMPUS DRIVE
ST. PAUL, MINNESOTA 55112

SERIAL NUMBER: 09195770
PATENT NUMBER:

FILING DATE: 11/18/1998
ISSUE DATE:

FFD REC'D

MAY 20 1999

RECEIVED

MAY 20 1999

LENELL MACKALL, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

MERCHANT & GOULD
MINNEAPOLIS MN 55402

02/16/1999 JMWATKINS 00000014 09195770
01 FC:581 40

ASSIGNMENT

WHEREAS, we, Clifton A. Alferness, residing at 9010 258th Avenue NE, Redmond, WA 98053 and James Edward Shapland, residing at 470 Vadnais Lake Drive, Vadnais Heights, MN 55127, made certain new and useful inventions and improvements for which we filed an application for Letters Patent of the United States on November 18, 1998, application Serial No. 09/195,770, which is entitled DEFIBRILLATING CARDIAC CONSTRAINT.

AND WHEREAS, Acorn Cardiovascular, Inc., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 601 Campus Drive, St. Paul, MN 55112 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

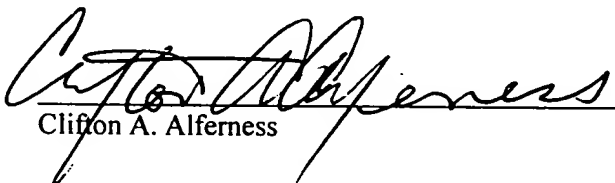
AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be

necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 21 day of

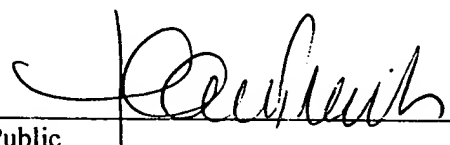
Jan, 1999.


Clifton A. Alferness

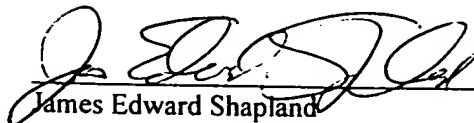
STATE OF WA)
COUNTY OF King) ss.

On this 21st day of January, 1999, before me personally appeared Clifton A. Alferness to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]


Notary Public

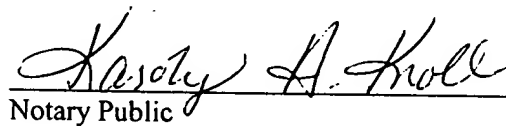
IN TESTIMONY WHEREOF, I have hereunto set my hand this 22nd day of
Jan, 1999.


James Edward Shapland

STATE OF Minnesota)
COUNTY OF Isanti) ss.

On this 22 day of January, 1999, before me personally appeared James Edward Shapland to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]


Notary Public

